

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DANIEL POOLE,)	
Plaintiff,)	
)	Case No. 07 C 6355
v.)	
)	JURY DEMAND
)	
CITY OF BURBANK, <i>et al.</i>)	
Defendants.)	

PLAINTIFF'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME

Plaintiff Daniel Poole, by and through his plenary guardian James Simpson, and by and through his attorneys Shelly B. Kulwin, Anthony J. Masciopinto and Jeffrey R. Kulwin, KULWIN MASCIOPINTO & KULWIN, L.L.P., and Marvin Bloom, the LAW OFFICE OF MARVIN BLOOM (Plaintiff), respectfully moves this Court for an extension of time until **July 28, 2008** to respond to Defendants' motion to dismiss.

1. By prior court order, Plaintiff's response to Defendants' motion to dismiss is due by July 7, 2008. Plaintiff respectfully requests a twenty-one (21) day extension of time until **July 28, 2008** to file Plaintiff's response to Defendants' motion to dismiss.

2. This is Plaintiff's first request to extend the time to file his response brief in opposition to Defendants' motion to dismiss. Plaintiff's counsel has conferred with Defendants' counsel regarding this motion. Defendants' counsel has no objection to this motion.

3. Due to the press of other matters and not for purposes of delay, Plaintiff needs additional time to file his response in opposition to Defendants' motion to dismiss. Specifically, Plaintiff's counsel with primary responsibility for finalizing and filing Plaintiff's response to Defendants' motion to dismiss has been preparing for trials in the following matters:

- (A) *Burrill, et al. v. Miya, et al.*, No. 07 CH 34128, in the in the Circuit Court of Cook County, Chancery Division before the Honorable Judge Mary K. Rochford. The trial is scheduled to begin on July 8, 2008. Plaintiff's counsel represents the plaintiffs in this preliminary injunction matter. On June 30, 2008, Judge Rochford continued the trial based on recently developing matters which required the plaintiffs to add brand new defendants to the case.
- (B) *Sebastian v. City of Chicago et al*, No. 05 C 2077, in the United States District Court for the Northern District of Illinois before the Honorable Judge Virginia Kendall. Plaintiff's counsel represents the plaintiffs in this employment discrimination matter. Plaintiff's summary judgment sur-response brief and supporting materials was due on June 13, 2008. The trial in this matter is set to begin on August 4, 2008. The pre-trial materials are due to be filed on July 18, 2008.

5. As a result, it will not be possible to file Plaintiff's response to Defendants' motion to dismiss by July 7, 2008. Accordingly, Plaintiff seeks additional time, up to and including **July 28, 2008** to file Plaintiff's response to Defendants' motion to dismiss.

6. The brief extension requested herein will not unduly delay these proceedings and no party will be prejudiced by the relief requested herein. The interest of justice warrants granting this motion.

WHEREFORE, Daniel Poole, by and through his plenary guardian James Simpson, respectfully requests that this Court extend to **July 28, 2008** the date by which Plaintiff must file his response brief in opposition to Defendants' motion to dismiss.

Respectfully submitted,

/s/ Jeffrey R. Kulwin

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